



#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Huali "Ariel" Luo et al.

COPY OF PAPERS
ORIGINALLY FILED

Serial No.: 10/038,882

Filed: 01/02/2002

Title: BIDIRECTIONAL OPTICAL INTERLEAVER

Art Unit: 2872

Docket No.: 00-18

Box Missing Parts
Assistant Commissioner for Patents
Washington, DC 20231**PETITION UNDER 37 CFR 1.47(a)**

Sir:

This is a Petition to Accept the Application Filed By Other Than All The Joint Inventors in the above application.

One of the two joint inventors in this application has executed the Declaration and Power of Attorney document that is filed herewith. A diligent effort has been made to obtain the signature of the second inventor, Mr. Kevin Sullivan, however, Mr. Sullivan refuses to join in the application.

Filed herewith is a Statement made by Ms. Abigail Murphy, a representative of WaveSplitter Technologies, Inc. (the "Assignee"). Ms. Murphy has made several attempts to secure Mr. Sullivan's signature on the Declaration and Power of Attorney document, and on the Assignment document as well, however, Mr. Sullivan has refused to join in the application. A copy of each of two Federal Express receipts indicating that Ms. Murphy forwarded the documents to Mr. Sullivan's last known address (616 Lonsdale Avenue, Fremont, CA 94539) for signature on May 7, 2002 and again on May 24, 2002 are attached to Ms. Murphy's statement for reference.

0002 345888A1 00000017 10038882

22

130.00 CH

In view of the above statement, Applicant hereby petitions the Assistant Commissioner to accept this application without the signature of the second inventor, and to maintain the January 2, 2002 filing date of this application accordingly. It is respectfully requested that a written decision granting this Petition be provided, and that the application proceed to the appropriate Technology Center for Examination accordingly.

The PTO is hereby authorized to charge the \$130 Petition Fee, as well as the filing fee and any additional fees required to the undersigned attorney's PTO Deposit Account #50-1047

Respectfully submitted,


Karin L. Williams Reg. No. 36,721

Attorney for Applicant
Mayer Fortkort & Williams, PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090

Tel.: 908-518-7700